

# HOUSE JOURNAL

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SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FIFTEENTH DAY — MONDAY, FEBRUARY 6, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 20).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Serna; Shields; Siebert; Smithee; Solis; Solomons; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Absent, Excused — Duncan; Thompson.

Absent — Bosse; Greenberg; Longoria; Puente; Seidlits; Wilson.

The invocation was offered by Reverend Neil E. Lindley, reverend emeritus, First Christian Church of Port Arthur, Port Arthur, as follows:

O, Thou Maker of the worlds; we acknowledge you not only as the one who holds the stars in their course, but also as the one who holds both individuals and governments accountable and who sees the final destiny of both stars and men.

That our land may be destined to greatness, inspire our leaders to be wise. That our workplaces may be productive, inspire our managers to multiply useful work. That our streets may be safe and our homes secure, inspire our communities to be lawful. Destine our people to be free by observing a government of laws and not of men, and a society that honors due process more than due privilege. Dispel ignorance through teachers who love the truth and through children whose minds are opened. Fill our children with hope by inspiring us elders to be good. Destine our system to be just by compelling our judges to be fair. Preserve our families from penury and our single parents from poverty and our children from destitution by inspiring love between spouses and parental commitment to our young. Heal our land of racism by healing our hearts of hate. Destine our citizenry to be kind by extending a hand up to the

poor. Shape our future through self-confidence in our skills, more than by trusting to the roll of the dice. And destine us all unto heaven by making us good stewards on this earth. Lift our spirits unto thee who holds the stars in their course; and who holds our lives in your hands. Amen.

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Thompson on motion of Farrar.

Duncan on motion of Siebert.

### CAPITOL PHYSICIAN

Speaker Laney presented Dr. Stephen Smith of Fulton as the "Doctor for the Day."

The house welcomed Dr. Smith and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Longoria and Wilson now present)

### MESSAGE FROM THE SENATE

Austin, Texas, February 6, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**SCR 3** by West, Royce, encouraging the community justice assistance division of the Texas Department of Criminal Justice and the Texas Council on Family Violence to issue a directive that local community supervision and correctional departments work with battering intervention and prevention programs.

**SB 95** by West, Royce, et al., relating to the recall of an elected official in a general-law municipality.

**SB 99** by West, Royce, relating to construction change orders.

**SB 240** by Nelson, et al., relating to the statutory county courts and statutory probate court in Denton County.

**SB 285** by Brown, et al., relating to the temporary detention of certain persons charged with offenses involving family violence.

**SB 286** by Brown, et al., relating to persons considered to be a spouse for purposes of the prosecution of sexual assaults.

Respectfully,  
Betty King  
Secretary of the Senate

**SCR 39 - ADOPTED**  
**(Gray and Eiland - House Sponsors)**

Representative Gray moved to suspend all necessary rules to take up and consider at this time **SCR 39**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**SCR 39**, Declaring February 5 through 11, 1995, as Burn Awareness Week.

The resolution was adopted without objection.

**SIGNED BY THE SPEAKER**

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolutions:

**HCR 5, SCR 21, SCR 36, SCR 37**

**HR 121 - ADOPTED**

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 121**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Farrar,

**HR 121**, In memory of Gregory Pappas of Harris County.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Stiles, the names of all the members of the house were added to **HR 121** as signers thereof.

(Greenberg now present)

**HR 115 - ADOPTED**

Representative Wohlgemuth moved to suspend all necessary rules to take up and consider at this time **HR 115**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Wohlgemuth,

**HR 115**, Commending Henry G. Cheek for his contributions to the community.

The resolution was read and was adopted without objection.

On motion of Representative Stiles, the names of all the members of the house were added to **HR 115** as signers thereof.

**HCR 7 - ADOPTED**

Representative Price moved to suspend all necessary rules to take up and consider at this time **HCR 7**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Stiles and Price,

**HCR 7**, Designating February 6, 1995, as Port Arthur Day.

The resolution was read and was adopted without objection.

On motion of Representative Stiles, the names of all the members of the house were added to **HCR 7** as signers thereof.

### INTRODUCTION OF GUESTS

The speaker recognized Representatives Price and Stiles, who introduced a delegation from Port Arthur: Mayor Bob Morgan; Sheriff Carl Griffith of Jefferson County; Steve Hale, President of the Port Arthur Chamber of Commerce; Tom Neal, Chairman of Port Arthur Day; Waymon Hallmark, Jefferson County Commissioner; and Reverend Neil E. Lindley.

On behalf of the Port Arthur delegation, Tom Neal presented the speaker with a miniature commemorative alligator and a Mardi Gras poster.

### HR 94 - ADOPTED

Representative De La Garza moved to suspend all necessary rules to take up and consider at this time **HR 94**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By De La Garza,

**HR 94**, Honoring the memory of Travis Hiester.

The resolution was unanimously adopted by a rising vote.

On motion of Representative R. Cuellar, the names of all the members of the house were added to **HR 94** as signers thereof.

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Bosse on motion of Bailey.

### RULES SUSPENDED

Representative Ogden moved to suspend all necessary rules to allow the Committee on Appropriations, Subcommittee on Education, to consider the permanent school fund.

The motion prevailed without objection.

Representative Clemons moved to suspend the 5-day posting rule to allow the Committee on Appropriations, Subcommittee on General Government, Natural Resources, and Business and Economic Development, to consider the budget of the secretary of state.

The motion prevailed without objection.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Rules and Resolutions, on adjournment today, Desk 133.

Financial Institutions, on adjournment today, Desk 27, for an organizational meeting.

Agriculture and Livestock, 8 a.m. Tuesday, February 7, E2.010, Capitol Extension, for an organizational meeting.

Appropriations, Subcommittee on General Government, Natural Resources, and Business and Economic Development, on adjournment today, E1.030, Capitol Extension, to consider the budget of the secretary of state.

### INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Sandra Rouse.

### PROVIDING FOR ADJOURNMENT

Representative Stiles moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

### HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Hirschi,

**HB 981**, A bill to be entitled An Act relating to the justification for the use of force as a defense in the prosecution of a criminal case.

To Committee on Criminal Jurisprudence.

By McDonald,

**HB 982**, A bill to be entitled An Act relating to the children's trust fund and the Children's Trust Fund of Texas Council operating fund.

To Committee on Appropriations.

By McDonald,

**HB 983**, A bill to be entitled An Act relating to the regulation of licensed vocational nurses.

To Committee on Public Health.

By Yarbrough,

**HB 984**, A bill to be entitled An Act relating to the filing of a conduct surety bond by certain alcoholic beverage permit or license holders.

To Committee on Licensing and Administrative Procedures.

By T. Hunter and Duncan,

**HB 985**, A bill to be entitled An Act relating to testimony by expert witnesses in civil actions.

To Committee on State Affairs.

By Holzheuser,

**HB 986**, A bill to be entitled An Act relating to persons who are authorized to conduct marriage ceremonies.

To Committee on Juvenile Justice and Family Issues.

By Alvarado,

**HB 987**, A bill to be entitled An Act relating to a prohibition of the use of certain underwriting guidelines.

To Committee on Insurance.

By Maxey, Danburg, Clemons, Hilderbran, and Coleman,

**HB 988**, A bill to be entitled An Act relating to home collection kits for human immunodeficiency virus infection testing; providing penalties.

To Committee on Public Health.

By Yarbrough,

**HB 989**, A bill to be entitled An Act relating to the selection of the county chairman of a political party in certain counties.

To Committee on Elections.

By Mowery,

**HB 990**, A bill to be entitled An Act relating to limits on political contributions to and direct campaign expenditures made on behalf of certain officeholders, candidates, and political committees; providing criminal penalties.

To Committee on State Affairs.

By H. Cuellar,

**HB 991**, A bill to be entitled An Act relating to provisions making restitution mandatory for a juvenile, parent, custodian, or guardian when a juvenile is found to have engaged in delinquent conduct or conduct indicating a need for supervision in an adjudicated hearing for offenses involving crimes against property; and creating a victim-offender mediation program in the juvenile justice system.

To Committee on Juvenile Justice and Family Issues.

By Culberson, et al.,

**HB 992**, A bill to be entitled An Act relating to the delay of the employer trip reduction program.

To Committee on Environmental Regulation.

By Kubiak,

**HB 993**, A bill to be entitled An Act relating to authorizing certain counties to maintain a branch courthouse outside the county seat and permitting certain governmental entities to conduct certain functions at that facility.

To Committee on County Affairs.

By Delisi,

**HB 994**, A bill to be entitled An Act relating to the employment of children in certain activities.

To Committee on Economic Development.

By Pitts and Romo,

**HB 995**, A bill to be entitled An Act relating to admissibility in evidence of an electronically digitized copy of a check.

To Committee on Civil Practices.

By Brimer,

**HB 996**, A bill to be entitled An Act relating to the regulation of aggregate quarries and pits by certain counties.

To Committee on Land and Resource Management.

By H. Cuellar, Berlanga, Maxey, and Coleman,

**HB 997**, A bill to be entitled An Act relating to health insurance coverage for children who are ineligible for Medicaid.

To Committee on Public Health.

By Hochberg,

**HB 998**, A bill to be entitled An Act relating to loans made from the personal funds of a candidate or officeholder and to the disclosure required on political advertising.

To Committee on State Affairs.

By Danburg,

**HB 999**, A bill to be entitled An Act relating to discrimination against public school students.

To Committee on Public Education.

By Danburg,

**HB 1000**, A bill to be entitled An Act relating to the disposition of cruelly treated animals.

To Committee on Agriculture and Livestock.

By H. Cuellar,

**HB 1001**, A bill to be entitled An Act relating to conferring authority on commissioners courts in affected counties to regulate subdivisions in economically distressed areas; imposing certain platting requirements and service requirements on economically distressed subdivisions; imposing changes affecting certain local tax authorities by conferring authority on affected counties to create economically distressed area tax increment zones and conferring authority on counties to offer certain ad valorem tax abatements, conferring authority to issue bonds and create public debt; and imposing civil and criminal penalties.

To Committee on Land and Resource Management.

By H. Cuellar, et al.,

**HB 1002**, A bill to be entitled An Act relating to adding district attorneys to county juvenile boards.

To Committee on Juvenile Justice and Family Issues.

By H. Cuellar,

**HB 1003**, A bill to be entitled An Act relating to provisions governing a comprehensive assessment of a juvenile offender when the offender first is referred to the juvenile court.

To Committee on Juvenile Justice and Family Issues.

By H. Cuellar,

**HB 1004**, A bill to be entitled An Act relating to applying criminal rules of evidence in delinquent conduct cases under the Family Code.

To Committee on Juvenile Justice and Family Issues.

By Johnson,

**HB 1005**, A bill to be entitled An Act relating to suspension, expulsion, or emergency removal of students from public schools.

To Committee on Juvenile Justice and Family Issues.

By Johnson,

**HB 1006**, A bill to be entitled An Act relating to the issuance of bonds by Stephen F. Austin State University.

To Committee on Higher Education.

By Johnson,

**HB 1007**, A bill to be entitled An Act relating to assignments of lottery prizes to the state by a person that owes criminal court costs, fines, or other fees or court-ordered restitution and collection of those assignments.

To Committee on Licensing and Administrative Procedures.

By Van de Putte, et al.,

**HB 1008**, A bill to be entitled An Act relating to the punishment for certain criminal offenses committed on the premises of a public transportation system and the prohibition of consumption of alcoholic beverages on the property of certain metropolitan transit authorities.

To Committee on Criminal Jurisprudence.

By Johnson, Junell, and T. Hunter,

**HB 1009**, A bill to be entitled An Act relating to discrimination against an employee based on a claim for workers' compensation benefits and to remedies in an action alleging that discrimination.

To Committee on Business and Industry.

By T. Hunter, et al.,

**HB 1010**, A bill to be entitled An Act relating to the selection of health care providers.

To Committee on Insurance.

By Hernandez,

**HB 1011**, A bill to be entitled An Act relating to the courses required in a degree program operated by a higher education medical or dental unit under contract with the United States Army.

To Committee on Higher Education.

By Romo,

**HB 1012**, A bill to be entitled An Act relating to the availability under the open records law of information submitted to a governmental entity by a potential vendor.

To Committee on State Affairs.

By Romo,

**HB 1013**, A bill to be entitled An Act relating to the issuance of obligations by the Texas Public Finance Authority.

To Committee on Financial Institutions.

By Carona,

**HB 1014**, A bill to be entitled An Act relating to police officer overtime and police officers and fire fighters who temporarily fill higher positions.

To Committee on Urban Affairs.



By Seidlits, Craddick, et al.,

**HB 1015**, A bill to be entitled An Act relating to the assessment of attorney's fees, costs, and damages for certain frivolous lawsuits and defenses.  
To Committee on State Affairs.

By Krusee and Hilderbran,

**HB 1016**, A bill to be entitled An Act relating to the transfer of extraterritorial jurisdiction between certain municipalities.  
To Committee on Land and Resource Management.

By Romo, Mowery, Rangel, S. Turner, D. Jones, et al.,

**HB 1017**, A bill to be entitled An Act relating to a capital growth and start-up fund for historically underutilized businesses.  
To Committee on Financial Institutions.

By Romo, R. Cuellar, Giddings, et al.,

**HB 1018**, A bill to be entitled An Act relating to the provision by the state of surety bonds for historically underutilized businesses.  
To Committee on Financial Institutions.

By Hartnett, Marchant, Wolens, and Allen,

**HB 1019**, A bill to be entitled An Act relating to the authority of Dallas County Utility and Reclamation District to enter into tax abatement agreements, to designate reinvestment zones and to utilize all functions and procedures of the Property Redevelopment and Tax Abatement Act, Title 3, Ch. 312 of the Texas Tax Code; and validating prior elections and other actions and contracts.  
To Committee on Natural Resources.

By Oliveira,

**HB 1020**, A bill to be entitled An Act relating to the regulation of savings banks.

To Committee on Financial Institutions.

By Culberson,

**HB 1021**, A bill to be entitled An Act relating to creating an affirmative defense to certain damage claims for a landlord and the landlord's agent who comply with certain security and safety requirements.

To Committee on Business and Industry.

By Culberson,

**HB 1022**, A bill to be entitled An Act relating to the duty of a parolee or a person released to mandatory supervision to make a disclosure to certain persons and to the liability of certain persons if the disclosure is not made.

To Committee on Corrections.

By Coleman, et al.,

**HB 1023**, A bill to be entitled An Act relating to regulation of end stage renal disease facilities; providing criminal penalties.

To Committee on Public Health.

By Finnell,

**HB 1024**, A bill to be entitled An Act relating to the election of the members of the board of directors of the Jack County Hospital District.

To Committee on County Affairs.

By Wolens,

**HB 1025**, A bill to be entitled An Act relating to debt incurred by certain regional transportation authorities without voter approval.

To Committee on Urban Affairs.

### **HOUSE JOINT RESOLUTIONS ON FIRST READING**

The following house joint resolutions were today laid before the house, read first time, and referred to committees:

By Romo, R. Cuellar, Giddings, et al.,

**HJR 2**, A joint resolution proposing a constitutional amendment authorizing the legislature to provide for the issuance of bonds to provide surety bonds for historically underutilized businesses.

To Committee on Financial Institutions.

By Romo, Mowery, Rangel, S. Turner, D. Jones, et al.,

**HJR 6**, A joint resolution proposing a constitutional amendment authorizing the legislature to provide for the issuance of bonds for the state financing of start-up costs for historically underutilized businesses.

To Committee on Financial Institutions.

By Swinford,

**HJR 7**, A joint resolution proposing a constitutional amendment relating to the eligibility of certain public officers to seek election to and serve in the legislature.

To Committee on State Affairs.

### **RESOLUTIONS REFERRED TO COMMITTEE**

The following resolutions were laid before the house and referred to committee:

By Allen,

**HCR 8**, Designating February 8, 1995, as Crime Victims Day.

To Committee on Rules and Resolutions.

By Munoz,

**HCR 9**, Designating February 1995 as Public School Board Members Month in Texas.

To Committee on Rules and Resolutions.

By Counts,

**HCR 58**, Commending Howard County Junior College on its 50th anniversary.

To Committee on Rules and Resolutions.

By Allen, et al.,

**HR 101**, Designating February 8, 1995, as Crime Victims Day.

To Committee on Rules and Resolutions.

By Delisi and Black,

**HR 102**, In memory of Earl D. Cockrum, Jr.

To Committee on Rules and Resolutions.

By Conley,

**HR 103**, In memory of Robert Nafis Qadim'asil.

To Committee on Rules and Resolutions.

By Delisi,

**HR 107**, Congratulating Charles R. Gendron on receiving the Group Practice Administrator Recognition Award.

To Committee on Rules and Resolutions.

By McCoulskey, et al.,

**HR 108**, Recognizing the many fine accomplishments of Leadership 2000 and Leadership Fort Bend on the occasion of their 1995 symposium in Austin.

To Committee on Rules and Resolutions.

By Counts,

**HR 109**, Commending the Sweetwater Jaycees on their sponsorship of the World's Largest Rattlesnake Round-Up.

To Committee on Rules and Resolutions.

By Finnell,

**HR 110**, Commemorating the 100th anniversary of Valley View Baptist Church.

To Committee on Rules and Resolutions.

By Finnell,

**HR 111**, Congratulating the Windthorst High School girls' volleyball team on winning the 1994 Class A state championship.

To Committee on Rules and Resolutions.

By Kubiak,

**HR 112**, Congratulating the Sealy High School football team.

To Committee on Rules and Resolutions.

By Kubiak,

**HR 113**, Congratulating the Thorndale High School football team.

To Committee on Rules and Resolutions.

By McCoulskey, et al.,

**HR 114**, In memory of Fred Davenport, Jr.

To Committee on Rules and Resolutions.

### SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

**SB 23** to Committee on State Affairs.

**SB 31** to Committee on State Affairs.

**SB 102** to Committee on State Affairs.

**SB 122** to Committee on Civil Practices.

**SB 238** to Committee on Public Safety.

**SB 258** to Committee on Licensing and Administrative Procedures.

**SB 283** to Committee on Juvenile Justice and Family Issues.

**SB 284** to Committee on Civil Practices.

**SB 290** to Committee on Environmental Regulation.

**RESOLUTION REFERRED TO COMMITTEE**

The following resolution was laid before the house and referred to committee:

**SCR 1**, Authorizing the erection of a monument in the State Cemetery in memory of Captain John J. Grumbles.

To Committee on State Affairs.

**ADJOURNMENT**

In accordance with a previous motion, the house, at 10:47 a.m., adjourned until 10 a.m. tomorrow.

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**APPENDIX**

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**ENROLLED**

February 2 - **HCR 5**

**SENT TO THE GOVERNOR**

February 2 - **HCR 33, HCR 54**